

Remarks

The status of the claims is as follows. Claims 1-46 were originally filed and were subject to restriction. Claims 20-45 were withdrawn from consideration in the present Office Action and have been canceled herein without prejudice to Applicant's right to file divisional applications to the separately patentable subject matter of the canceled claims, which the Office Action has determined are patentable over Claims 1-19 and 46. Claims 1-19 have been allowed in the present Office Action.

Rejection under 35 U.S.C. §102

Claim 46 was rejected under paragraph (e) of the above code section as being anticipated by Koster, *et al.* (U.S. Patent No. 6,730,517 B1) (Koster). Koster discloses a fully automated modular analytical system with integrated instrumentation for analysis of biopolymer samples. In certain embodiments of Koster, the analytical system includes one portion that is a contamination-controlled environment, such as a clean room or laminar flow room and includes a means such as a transporter for moving samples from such environment into a second room or space for further processing. Koster also discloses embodiments where one robot moves along a central track in a contamination-controlled environment to perform a series of manipulations or reactions on a biological sample. Such embodiments include also a transporter chamber or taxicab to receive the sample from a contamination-controlled laminar flow chamber and transport it to a second environment sealed off from the contamination-controlled environment.

In order to maintain a rejection under 35 U.S.C. §102(b), the Examiner must first establish a *prima facie* case of anticipation. An invention is anticipated if each and every limitation of the claimed invention is disclosed in a single prior art reference. *In re Paulsen*, 30 F.3d 1475, 1478, 31 U.S.P.Q.2d 1671, 1673 (Fed. Cir. 1994).

In the present situation Koster does not disclose each and every element of Claim 46. Among others, Koster fails to disclose a mechanism for moving a support into and out of a chamber and for positioning the support relative to a device for dispensing reagents where the mechanism comprises a holding element for the support and where the holding element is a low drag body having Reynolds numbers that are less than about 3000. As a matter of fact, Koster is completely devoid of any teaching regarding the nature of the robot used for transporting a support and, more

particularly, the nature of the element that actually holds the support. At column 15, lines 22-28, Koster indicates that his robotic arm is equipped with a gripper 132 to pick up and drop off the sample plates 114. At column 14, lines 43-47, Koster discusses moving the samples using a sterile transport chamber 104 or taxicab. This is exemplary of the extent of the teaching of the reference with regard to configurations for a holding element for the support. Other language cited in the Office Action is even less informative with regard to the configuration of a holding element for the support.

The main contention in the Office Action appears to be that Koster discusses laminar flow as one environment for a sample on a support and that laminar flow corresponds to a Reynolds number of 2000-3000. However, there is no disclosure or suggestion as to the configuration of a holding element for a support. As discussed in the present Specification (page 36, lines 29-34), in "one embodiment of the invention the holding element for the support is a low drag body for modest Reynolds numbers. The characteristics of the holding element result in a minimization of the wake behind the holding element as it enters the opening of the gas outlet."

Koster is silent as to the configuration or characteristics of a holding element for the support where the holding element is a low drag body having Reynolds numbers that are less than about 3000. Accordingly, Koster does not disclose each and every element of Claim 46 and, thus, Koster does not anticipate the invention of Claim 46. Placing a body in a chamber that has laminar flow does not mean that the body is a low drag body or even that there is laminar flow around the body itself. In Claim 46, the holding element is designed to be a low drag body with Reynolds numbers as defined. This is not a length scale intrinsic to the chamber. The holding element itself is designed to be a low drag body, which, as mentioned above, results in a minimization of the wake behind the holding element as it enters the opening of the gas outlet. In the present situation, Reynolds number is calculated relative to the low drag body and, as indicated above, is not a length scale intrinsic to the chamber.

#### Allowable Subject Matter

Applicant acknowledges the indication in the Office Action that Claims 1-19 have been allowed.

Conclusion

Claim 46 satisfies the requirements of 35 U.S.C. §102. The Office Action indicated that Claims 1-19 are allowed. Allowance of the above-identified patent application, it is submitted, is in order.

Respectfully submitted,

  
Theodore J. Leiterer  
Attorney for Applicant  
Reg. No. 28,319

Agilent Technologies, Inc.  
Legal Department, M/S DL429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, CO 80537-0599